



**Third Meeting
2010 Interim
October 19, 2010**

**Room 414
State Capitol Building
Pierre, South Dakota**

Tuesday, October 19, 2010

The third and final meeting of the Department of Environment and Natural Resources Agency Review was called to order by the Chair, Senator Tom Hansen, at 10:14 a.m. (CDT) in Room 414 of the State Capitol, Pierre, South Dakota.

The meeting was held via teleconference and a quorum was determined with the following members answering the roll call: Senators Bradford, Frysliie, Kloucek, Rhoden, and Hansen (Chair); and Representatives Brunner, Frerichs, Gibson, Hoffman, Lucas, Schrempp, Tidemann, and Vanneman (Vice Chair).

Staff members present included: Aaron Olson, Senior Fiscal Analyst; Tom Magedanz, Principal Research Analyst; Fred Baatz, Principal Research Analyst; and Lisa Shafer, Legislative Secretary.

(NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC). This meeting was web cast live. The archived web cast is available at the LRC web site at <http://legis.state.sd.us> under "Interim Information – Minutes and Agendas.")

Approval of Minutes

REPRESENTATIVE GIBSON MOVED, SECONDED BY REPRESENTATIVE HOFFMAN, THAT THE MINUTES FROM THE AUGUST 24, 2010, MEETING BE APPROVED. The motion prevailed unanimously on a voice vote.

Chair Remarks

Senator Tom Hansen thanked the committee members for their time and dedication to working on the Department of Environment and Natural Resources (DENR) Agency Review Committee.

Vice Chair Remarks

Representative Kim Vanneman expressed her appreciation to the DENR staff, LRC staff, committee members, people that provided public testimony.

Consideration of Proposed Legislation

741S0002 – An Act to make form and style revisions to certain statutes related to natural resources. (Document #1)

REPRESENTATIVE LUCAS MOVED, SECONDED BY SENATOR FRYSLIE, TO ACCEPT THE REVISIONS TO THE DRAFT LEGISLATION 741S0002 THAT WERE SENT TO THE COMMITTEE ON OCTOBER 13, 2010. The motion prevailed on a voice vote.

Mr. Steve Pirner, Secretary for the DENR, said that the proposed legislation is a clean-up effort to bring the language in the code to reflect the latest Legislative Research Council (LRC) standards for style and form. The department is comfortable with the draft legislation.

Mr. Joe Nadenicek, Staff Attorney with DENR, stated that the area of law DENR deals with is complicated, but the department would like to make the statutes as clear and understandable as possible.

Mr. Tom Magedanz stated that the DENR staff and the LRC staff came across some additional changes that should be made to the draft legislation. He reviewed the additional changes.

The committee discussed the additional changes with the LRC staff and DENR Staff.

SENATOR BRADFORD MOVED, SECONDED BY SENATOR FRYSLIE, TO ACCEPT THE ADDITIONAL CHANGES TO DRAFT LEGISLATION 741S0002. The motion prevailed on a voice vote.

The committee asked questions to the DENR staff to ensure all the changes in the draft legislation will comply with all current agency and federal acts.

Representative Gibson requested that changes to the draft legislation be sent to the committee. Mr. Megandenz responded that the LRC will send an email to the committee and DENR staff listing all the changes noted in the meeting.

REPRESENTATIVE LUCAS MOVED, SECONDED BY SENATOR RHODEN, THAT THE THAT THE COMMITTEE RECOMMEND THE DRAFT LEGISLATION – 741S0002 – TO REVISE THE FORM AND STYLE OF CERTAIN STATUES REGARDING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR INTRODUCTION AS A COMMITTEE BILL IN THE 2011 LEGISLATIVE SESSION. The motion prevailed on a roll call vote with 13 AYES, 0 NAYS, and 0 EXCUSED. Those members voting AYE include: Brunner, Frerichs, Gibson, Hoffman, Lucas, Schrempp, Tidemann, Bradford, Fryslie, Kloucek, Rhoden, Vanneman, and Hansen.

Representative Lucas requested a bill brief be sent to the committee.

Senator Hansen stated that draft legislation 741S0002 will be pre-filed as a Senate Bill for the 2011 Legislative Session.

Final Report Recommendations

SENATOR KLOUCEK MOVED, SECONDED BY SENATOR BRADFORD, THAT THE COMMITTEE WILL NOT SUNSET THE DEPARTMENT OF ENVIRONMENT NATURAL RESOURCES. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH 12 AYES, 0 NAYS, and 1 EXCUSED. Those members voting AYE include: Frerichs, Gibson, Hoffman, Lucas, Schrempp, Tidemann, Bradford, Fryslie, Kloucek, Rhoden, Vanneman, and Hansen. Those members EXCUSED include: Brunner.

Adjourn

REPRESENTATIVE HOFFMAN MOVED, SECONDED BY SENATOR BRADFORD, THAT THE COMMITTEE ADJOURN. The motion passed unanimously on a voice vote.

The committee adjourned at 11:28 a.m..



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